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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

# 3

In re application of: Atsusji Suzuki

App. No. : 09/681878

Filed : June 20, 2001

For : VARIABLE VALVE TIMING AND LIFT  
STRUCTURE FOR FOUR CYCLE  
ENGINE

Examiner : F. Dahbour

Art Unit : 3742

RECEIVED  
JAN 30 2002  
OFFICE OF PETITIONS

PETITION UNDER 37 C.F.R. 1.313(c1)

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

Dear Sir:

Applicant hereby Petitions the Commissioner to withdraw this case from issue pursuant to the provisions of 37 C.F.R. 1.313(c1).

Enclosed herewith is an Information Disclosure Statement citing the results of a European search, which was received in early January of this year by the undersigned and after having a translation made by Applicant's client, the undersigned has determined that Claim 1 is unpatentable over Japanese Published Application 6-307216, supplied with the corresponding I.D.S.

The accompanying amendment is being made to patentably distinguish over this reference.

It is believed that amended claim 1 is patentable because the Japanese publication permits some relative rotation between the two cams whereas Applicant's device maintains the angular relationship between the two cams at all times and thus, reduces noise in the system. Also the added amended independent claims recite combinations not shown or taught by the cited art, alone or in combination.

This case is set to issue on February 5, 2002 and prompt action on this withdrawal request is most courteously solicited.

Also enclosed herewith is our check in the amount of \$130.00 to cover the associated fee in connection with this request.

If for some reason, Applicant has not paid the sufficient fee, please charge our Deposit Account No. 50-1164 for such fee or credit any overpayment. A duplicate copy of this sheet is enclosed for such purposes.

Respectfully submitted,

By: 

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Enclosures